

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

**RED BARN MOTORS, INC., PLATINUM )  
MOTORS, INC., and MATTINGLY AUTO )  
SALES, INC., individually and on behalf of )  
other members of the general public similarly )  
situated, )**

**Plaintiffs,**

**v.**

**NEXTGEAR CAPITAL, INC. f/k/a DEALER )  
SERVICES CORPORATION, )**

**Defendant. )**

**Case No. 1:14-cv-01589-TWP-DLP**

**PLAINTIFFS' MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

Class Counsel<sup>1</sup> for Plaintiffs Red Barn Motors, Inc., Platinum Motors, Inc., and Mattingly Auto Sales, Inc., on behalf of a certified class of 17,208 used car dealerships (collectively, “Plaintiffs”) respectfully move this Court pursuant to Fed. R. Civ. P. 23 for an Order (1) granting final approval of the Settlement Agreement with Defendant NextGear Capital Inc., finding its terms fair, reasonable, and adequate; (2) designating Plaintiffs as Settlement Class Representatives; (3) appointing attorneys from Sher Garner Cahill Richter Klein & Hilbert, L.L.C; Jones Swanson Huddell & Daschbach LLC; Kerry Murphy Law LLC; DeLaney & DeLaney LLC; and Cassie Felder Law Firm as Settlement Class Counsel; (4) approving the Allocation Plan set forth in the Settlement Agreement; and (5) confirming the appointment of Donlin Recano & Co.,

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<sup>1</sup> Capitalized terms have the definitions assigned to them in Plaintiffs’ Settlement Agreement and Release. Filing No. 373-9.

Inc. as Settlement Administrator for the purposes of continuing to respond to Class Members with questions and distributing Settlement proceeds in accordance with the Allocation Plan.

This motion is supported by the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement, together with its supporting declaration and exhibits.

Respectfully submitted, this 27<sup>th</sup> day of August, 2021.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 27<sup>th</sup> day of August, 2021:

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